



# Women and Imprisonment in the u.s.

## History and Current Reality

by Nancy Kurshan

They call us bandits, yet every time most Black people pick up our paychecks, we are being robbed. Every time we walk into a store in our neighborhood, we are being held up. And every time we pay our rent, the landlord sticks a gun into our ribs.

*Assata Shakur, 1972*

These people in this judicial system, their concern is not for justice, as they claim. That is what they come in disguise of, to strip people of everything. When I say strip, I mean rob, murder, exploit, intimidate, harass, persecute, everything to destroy the mind and body. They seek to take a person and make a complete vegetable of them.

*Ruchell Cinque Magee, 1974*

Prisons serve the same purpose for women as they do for men; they are instruments of social control. However, the imprisonment of women, as well as all the other aspects of our lives, takes place against a backdrop of patriarchal relationships. We refer here to Gerda Lerner's definition of patriarchy: "the manifestation and institutionalization of male dominance over women and children in the family and the extension of male dominance over women in society in general. It implies that men hold power in all the important institutions of society and that women are deprived of access to such power."<sup>1</sup> Therefore, the imprisonment of women in the U.S. has always been a different phenomenon than that for men; the proportion of women in prison has always differed from that of men; women have traditionally been sent to prison for different reasons; and once in prison, they endure different conditions of incarceration. Women's "crimes" have often had a sexual definition and been rooted in the patriarchal double standard. Furthermore, the nature of women's imprisonment reflects the position of women in society.

In an effort to examine these issues further, this essay explores how prisons have historically served to enforce and reinforce women's traditional roles, to foster dependency and passivity, bearing in mind that it is not just incarcerated women who are affected. Rather, the social stigma and conditions of incarceration serve as a warning to women to stay within the "proper female sphere." Needless to say this warning is not issued equally to women of all nationalities and classes. For this reason, our analysis will also take into account the centrality of race in determining female prison populations, both in the North and the South and pre- and post-Civil War. We believe that white supremacy alters the way that gender impacts on white women and women of color. The final avenue of exploration of this chapter will thus concern the relationship between race and women's imprisonment. We will attempt to show that the history of the imprisonment of women is consistent with Audre Lorde's comment that in "a patriarchal power system where white skin privilege is a major prop, the entrapments used to neutralize Black women and white women are not the same."<sup>2</sup>

As long as there has been crime and punishment, patriarchal and gender-based realities and assumption have been central determinants of the response of society to women "offenders." In the late Middle Ages, reports reveal differential treatment of men and women. A woman might commonly be able to receive lenient punishment if she were to "plead her belly," that is, a pregnant woman could plead leniency on the basis of her pregnancy.<sup>3</sup> On the other hand, women were burned at the stake for adultery or murdering a spouse, while men would most often not be punished for such actions. Such differential treatment reflected ideological assumptions as well as women's subordinate positions within the family, church, and other aspects of society. Although systematic imprisonment arose with

62. Joycelyn M. Pollock-Byrne, *Women, Prison, and Crime* (Pacific Grove, CA: Brooks/Cole Publishing, 1990), p.3. The author is citing R. B. Flowers, *Women and Criminality: The Woman as Victim, Offender, and Practitioner* (Westport, CT: Greenwood Press, 1987), p. 150.
63. See Sherrye Henry, "Women in Prison," *Parade Magazine*, April 10, 1988.
64. THIS FOOTNOTE IS MISSING
65. See Anon., *In U.S. Prisons and in Southern Africa, Women Fight a Common Enemy* (Berkeley, CA: Coalition for International Women's Week, 1989).
66. Assata Shakur, "Women in Prison: How We Are," *The Black Scholar*, vol. 9, no. 1, April 1978, p. 9.
67. See Angela Brown and Kirk Williams, "Resource Availability for Women at Risk," unpublished paper presented at the American Society of Criminology Annual Meeting, Chicago, November 1987.
68. *Ibid.*, p. 14.
69. *Ibid.*, p. 3. Also see Shelley Bannister, "Another View of Political Prisoners," *Critical Criminologist*, vol. 1, no. 4.
70. See Nancy Rubin, "Women Behind Bars," *McCall's*, August 1987. Also see Rocawich, op. cit.
71. *Ibid.*
72. Sandy Rovner, "Abused Women Who Kill," *Judgment*, vol. 10, no. 2, June 1987.
73. *In U.S. Prisons and South Africa, Women Fight a Common Enemy*, op. cit.
74. See *Bar None*, no. 7, Somerville, MA 1989.
75. Bannister, op. cit., argues that women who respond to male violence with physical resistance, and are incarcerated as a result, should be viewed as political prisoners.
76. Dobash, et al. op. cit., p. 5.
77. See George J. Church, "The View from Behind Bars," *Time Magazine*, Special Issue on Prisons, Fall 1990.
78. Dobash, et al., op. cit. Rubin, op. cit.
79. See Shreiber and Poggi, op. cit.
80. Church, op. cit.
81. See Schroeder, op. cit.
82. See Anon., *Resistance at Bedford Hills* (New York: Solidarity with Sisters Inside Committee, 1990).
83. Letter to the Editor, *Off Our Backs*, October 1989.
84. See Ellen Barry, "Children of Prisoners: Punishing the Innocent," *Youth Law News*, March/April 1985.
85. Walters, op. cit.
86. See Phyllis Jo Baunach, *Mothers in Prison* (New Brunswick, NJ: Transaction Books, 1985).
87. Barry, op. cit.
88. Rubin, op. cit.
89. Schroeder, op. cit.
90. Schreiber, op. cit.; Schroeder, op. cit.
91. THIS FOOTNOTE IS MISSING (91)
92. THIS FOOTNOTE IS MISSING (92)
93. Walters, op. cit.
94. Rafter, op. cit., p. 10.
95. Shakur op. cit., p. 10.
96. See Kathryn Burkhardt, *Women in Prison* (New York: Doubleday Publishers, 1973).
97. Shroeder, op. cit., p. 7; Burkhardt, op cit p. 77.
98. Shroeder, op. cit.
99. Schreiber, op. cit. p. 5.
100. *Ibid.*, p. 3.
101. *Ibid.*, p. 5.
102. Rocowich, op. cit.
103. See Freedman, op. cit., p. 48.
104. Rafter, op. cit., p. 48.
105. *Ibid.*, pp 80, 153, 170
106. *In U.S. Prisons and South Africa, Women Fight a Common Enemy*, op. cit.
107. *Bar None*, op. cit p. 17
108. *Resistance at Bedford Hills*, op. cit.

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industrialization, for centuries prior to that time unwanted daughters and wives were forced into convents, nunneries, and monasteries. In those cloisters were found political prisoners, illegitimate daughters, the disinherited, the physically deformed and the mentally defective.<sup>4</sup>

A more general campaign of violence against women was unleashed in the witch-hunts of sixteenth and seventeenth century Europe, as society tried to exert control over women by labeling them as witches. This resulted in the death by execution of at least tens of thousands, and possibly millions of people. Conservative estimates indicate that over eighty percent of all the people killed were women.<sup>5</sup> Here in the U.S., the witchcraft trials were a dramatic chapter in the social control of women long before systematic imprisonment. Although the colonies were settled relatively late in the history of European witch-hunts, they proved fertile ground for this misogynist campaign. The context was a new colonial society, changing and wrought with conflicts. There were arguments within the ruling alliance, a costly war with the indigenous people led by King Philip, and land disputes.<sup>6</sup> In the face of social uncertainty, unrest and "uncivilized Indians," the Puritans were determined to recreate the Christian family way of life in the wilderness and reestablish the social patterns of the homeland.<sup>7</sup> The success of their project was an open question at the time, and the molding of the role of women was an essential element in the defense of that project.

Hundreds were accused of witchcraft during the New England witchcraft trials of the late 1600s, and at least thirty-six were executed. The primary determinant of who was designated a witch was gender; overwhelmingly, it was women who were the objects of witch fear. More women were charged with witchcraft, and women were more likely than men to be convicted and executed. In fact, men who confessed were likely to be scoffed at as liars. But age, too, was an important factor. Women over forty were most likely to be accused of witchcraft and farmed much worse than younger women when they were charged. Women over sixty were especially at high risk. Women who were alone, not attached to men as mothers, sisters, or wives were also represented disproportionately among the witches.<sup>8</sup> Puritan society was very hierarchical, and the family was an essential aspect of that hierarchy. According to Karlson, the Puritan definition of woman as procreator and "helpmate" of man could not be ensured except through force.<sup>9</sup> Most of the witches had expressed dissatisfaction with their lot, if only indirectly. Some were not sufficiently submissive in that they filed petitions and court suits, and sometimes sought divorces. Others were midwives and had influence over the well being of others, often to the chagrin of their male competitors, medical doctors. Still others exhibited a female pride and assertiveness, refusing to defer to their male neighbors.

Karlson goes on to offer one of the most powerful explanations of the New England witchcraft trials.<sup>10</sup> She argues that at the heart of the hysteria was an underlying anxiety about inheritance. The inheritance system was designed to keep property in the hands of men. When there were not legitimate male heirs, women inheritors became aberrations who threatened the orderly transmission of property from one male generation to the next. Many of the witches were potential inheritors. Some of them were already widowed and without sons. Others were married but older, beyond their childbearing years, and therefore no longer likely to produce male heirs. They were also "disposable" since they were no longer performing the "essential" functions of a woman, as reproducer and, in some cases, helpmate. Many of the witches were charged just shortly after the death of the male family member, and their witchcraft convictions meant that their lands could easily be seized. Seen in this light, witchcraft was an attempt to maintain the patriarchal social structure and prevent women from becoming economically independent. These early examples of the use of criminal charges in the social control of women may be seen as precursors to the punitive institutions of the 1800's. Up until this time, there were few carceral institutions in society. However, with the rise of capitalism and urbanization came the burgeoning of prisons in the U.S.<sup>11</sup> It is to those initial days of systematic imprisonment that we now turn.

## The Emergence of Prisons for Women

The relatively few women who were imprisoned at the beginning of the 19th century were confined in separate quarters or wings of men's prisons. Like the men, women suffered from filthy conditions, overcrowding, and harsh treatment. In 1838 in the New York City Jail (the "Tombs"), for instance, there were forty-two one-person cells for seventy women. In the 1920s at Auburn Penitentiary in New York, there were no separate cells for the twenty-five or so women serving sentences up to fourteen

21. Ibid.

22. Ibid, p. 151.

23. At least one-quarter of Tennessee's black women prisoners were recently emancipated slaves and part of the post-war northward migration. They were young, uneducated, separated from their families and unprepared for employment, Ibid, p. 139.

24. Ibid, p. 128.

25. Ibid, p. 112.

26. Ibid, p. 110.

27. Ibid, p. 144.

28. Ibid, p. 134.

29. Ibid.

30. Ibid, Chapter 4, Note 44, quoting Frank Tannenbaum.

31. Rafter, op. cit., p. 160.

32. Richard O. Boyer and Herbert M. Morais, *Labor's Untold Story* (New York: UE Press, 1972).

33. Rafter, op. cit., pp. 93-94.

34. Robert L. Allen, *Reluctant Reformers: Racism and Social Reform Movements in the United States* (Washington, DC: Howard University Press, 1974).

35. These women were middle to upper-class, of Protestant liberal sects, and from the Northeast. They belonged to women's religious and educational groups which fed their sense of sisterhood and fueled their mission. Some were abolitionists. Some were feminists. They were generally believers in a separate women's sphere and did not seek equality in the public arena. These early reformers were, however, critical of the double standard for men and women, and called for women's solidarity. Their faith that women, with their moral superiority, could be redeemed led them to demand policy changes and eventually to fight for the establishment of all women's prisons, run by women. After the Civil War, the movement grew and changed, and eventually led to the founding of the women's reformatories. See Freedman, op. cit.

36. Ibid.

37. Custodial prisons, discussed earlier, were 64.5 percent black and 33.5 percent white during that time. An alternative explanation seems to be that the proportion of black women imprisoned in reformatories may have corresponded to their actual proportion within New York state society at large. The number seems small because we are accustomed to enormously disproportionate imprisonment rates for black women. See Rafter, op. cit., p. 146.

38. Ibid, p. 134.

39. Freedman, op. cit.

40. Rafter, op. cit., p. 161.

41. Ibid, p. 118.

42. Ibid, p. 161.

43. Freedman, op. cit., p. 13.

49. U.S. Bureau of the Census, *Statistical Abstract of the United States 1990* (Washington, DC: U.S. Government Printing Office, 1990), p. 198.

50. Ibid.

51. Ibid.

52. George J. Church, "The View from Behind Bars," *Time*, Fall 1990 (Special Issue).

53. Elaine De Costanzo and Helen Scholes, "Women Behind Bars, Their Numbers Increase," *Corrections Today*, June 1988.

54. *New York Times*, April 17, 1989.

55. De Costanzo, op. cit., p. 106.

56. Ralph A. Weisheit, "Structural Correlates for Female Homicide Patterns," unpublished paper delivered at the American Society of Criminology Annual Conference, Illinois State University, Normal, November 9, 1988.

57. De Costanzo, op. cit.

58. William Bennett, statement on CNN News Program, August 23, 1989.

59. Linda Rocawich, "Lock 'em Up," *The Progressive*, August 1987.

60. Peter Applebome, "Women in U.S. Prisons: Fast-Rising Population," *New York Times*, June 15, 1987.

61. See Inogene Moyer, "Mothers in Prison," *Journal of Contemporary Criminal Justice*, 1987, pp. 54-55. Also see Tatiana Shreiber and Stephanie Poggie, "Women in Prison: Does Anyone Out Here Hear?" *Resist Newsletter*, no. 206, May 1988; and Jana Schroeder, "Fifth Annual Roundtable on Women in Prison: Advocates and Activists," *Off Our Backs*, October 1989.



which abortion is becoming more and more criminalized. Once in prison, patriarchal assumptions and male dominance continue to play an essential role in the treatment of women. As discussed previously, women have to deal with a whole set of factors that men do not, from intrusion by male guards to the denial of reproductive rights. Modern day women's imprisonment has taken on the worst aspects of the imprisonment of men. But it is also left with the sexist legacy of the reformatories and the contemporary structures of the patriarchy. Infantilization and the reinforcement of passivity and dependency are woven into the very fabric of the incarceration of women. / 4

The imprisonment of women of color can be characterized by the enforcement of patriarchy in the service of the social control of people of color as a whole. This raises larger questions about the enormous attacks aimed at family life in communities of color, in which imprisonment of men, women and children plays a significant role. However, since this area of inquiry concerns the most disenfranchised elements of our society it is no wonder that so little attention is paid to dealing with this desperate situation. More research in this area is needed as there are certainly unanswered questions. But we needn't wait for this research before we begin to unleash our energies to dismantle a prison system that grinds up our sisters.

## Notes

1. Gerda Lerner, *The Creation of Patriarchy* (London/New York: Oxford University Press, 1986), p. 239.
2. Audre Lorde, "Age, Race, Class, and Sex: Women Redefining Difference," in Paula S. Rothberg (ed.), *Racism and Sexism: An Integrated Study* (New York: St. Martin's, 1988), p. 179.
3. It was the life of the fetus which had value, not the life of the woman herself, for "women were merely the vessels of the unborn soul." See Russel P. Dobash, R. Emerson, and Sue Gutteridge, *The Imprisonment of Women* (New York: Basil and Blackwell Publishers, 1986).
4. Ibid.
5. Carol F. Karslen, *The Devil in the Shape of a Woman* (New York: W. W. Norton, 1987), p. xii.
6. William J. Chambliss and Milton Mankoff, *Functional and Conflict Theories of Crime* (New York: MSS Modular Publications, 1973).
7. John D'Emilio and Estelle B. Freedman, *Intimate Matters: A History of Sexuality in America* (New York: Harper and Row Publishers, 1988).
8. Karslen, op. cit.
9. Ibid.
10. Ibid.
11. David J. Rothman, *The Discovery of the Asylum* (Boston: Little, Brown, and Co., 1971).
12. Nicole Hahn Rafter, *Partial Justice: Women in State Prisons 1800-1935* (Boston: New England University Press, 1985).
13. Estelle B. Freedman, *Their Sisters' Keepers: Women's Prison Reform in America, 1830-1930* (Ann Arbor: University of Michigan Press, 1981), p. 15.
14. Victorian ideology maintained that women's world was a separate sphere, albeit a morally superior one. Women reportedly had little or no natural sexual desire; sexuality, on their parts, served only the function of reproduction. This was in contrast to men, who were viewed as being lustful. An interesting psychological speculation is that in the U.S. Jacksonian male reformers were obsessed with notions of sexual purity which stemmed from a deep fear of social disorder. As social and economic relations were transformed by capitalism, Jacksonians experienced "psychological tensions." "Uncontrolled" sexuality for women equalled chaos in the popular mind of this period; Jacksonians relied on "pure" women to "keep the lid on" since men could not be expected to do so by their very "natures." See Freedman, op. cit., pp. 19-20.
15. Rafter, op. cit.
16. W. E. B. DuBois, *Black Reconstruction in America* (New York: Atheneum Press, 1979).
17. Rafter, op. cit.
18. Freedman, op. cit.
19. Ibid. Also see Rafter, op. cit.
20. Ibid. In the West, little attention was paid by the authorities to systematic prison development, until well into the 20th century. California established the only women's reformatory, which remained the region's sole independent prison for women until the 1960's. In 1930, Washington built a women's building.

years. They were all lodged together in a one room attic, the windows sealed to prevent communication with men.<sup>12</sup> But women had to endure even more. Primary among these additional negative aspects was sexual abuse, which was reportedly a common occurrence. In 1826 Rachel Welch became pregnant while serving in solitary confinement as a punishment and shortly after childbirth she died as a result of flogging by a prison official. Such sexual abuse was apparently so acceptable that the Indiana state prison actually ran a prostitution service for male guards, using female prisoners.<sup>13</sup>

In addition, women received the short end of even the prison stick. Rather than spend the money to hire a matron, women were often left completely on their own, vulnerable to attack by guards. Women had less access to the physician and chaplain and did not go to workshops, mess halls, or exercise yards as men did. Food and oodework were brought to their quarters, and they remained in that area for the full term of their sentence. Criminal conviction and imprisonment of women soared during and after the Civil War. In the North, this is commonly attributed to a multitude of factors, including men's absence during wartime, the rise of industrialization, as well as the impact of the dominant sexual ideology of the nineteenth century Victorianism.<sup>14</sup> The double standard of Victorian morality supported the criminalization of certain behaviors for women but not for men. In New York in the 1850s and 1860s, female "crimes against persons" tripled while "crimes against property" rose ten times faster than the male rate. Black people, both women and men, have always been disproportionately incarcerated at all times and all places. This was true in the Northeast and Midwest prisons before the Civil War. It was also the case in the budding prison system in the western states, where blacks outstripped their very small percentage of the population. The only exception was in the South where slavery, not imprisonment, was the preferred form of control of Afroamerican people.<sup>15</sup> If the South had the lowest black imprisonment rate before the Civil War, this changed dramatically after the slaves were freed. This change took place for Afroamerican women as well as men. After the Civil War, as part of the re-entrenchment of Euroamerican control and the continuing subjugation of black people, the post-war southern states passed infamous Jim Crow laws which made newly freed blacks vulnerable to incarceration for the most minor crimes.<sup>16</sup> For example, stealing a couple of chickens brought three to ten years in North Carolina. It is fair to say that many blacks stepped from slavery into imprisonment. As a result southern prison populations became predominantly black overnight. Between 1874 and 1877, the black imprisonment rate went up 300 percent in Mississippi and Georgia. In some states, previously all-white prisons could not contain the influx of Afroamericans sentenced to hard labor for petty offenses.<sup>17</sup>

These spiraling rates in both the North and South meant that by mid-century there were enough women prisoners, both in the North and South, to necessitate the emergence of separate women's quarters. This practical necessity opened the door to changes in the nature of the imprisonment of women. In 1869 Sarah Smith and Rhoda Coffin, two Indiana Quakers, led a campaign to end the sexual abuse of women in that state's prison, and in 1874 the first completely separate women's prison was constructed. By 1940 twenty-three states had separate women's prisons.<sup>18</sup> The literature refers to these separate prisons for women as "independent" women's prisons.<sup>19</sup> This is ironic usage of the word since they were independent only in their physical construction. In every other way they fostered all forms of dependency in the incarcerated women and were an integral part of the prison system. Although these prisons were not initiated as separate institutions until almost a century after men's prisons, it is not so much this time lag which differentiates the development of prisons for women from those for men. The difference comes from the establishment of a bifurcated (two-part) system, the roots of which can be found in the patriarchal and white supremacist aspects of life in the U.S. at the time. Understanding this bifurcation is a step towards understanding the incarceration of women in the U.S.

On the one hand, there were custodial institutions which corresponded by and large to men's prisons. The purpose of custodial prisons, as the name implies, was to warehouse prisoners. There was no pretense of rehabilitation. On the other hand, there were reformatories which, as the name implies, were intended to be more benevolent institutions that "uplifted" or "improved" the character of the women held there. These reformatories had no male counterparts. Almost every state had a custodial woman's prison, but in the Northeast and Midwest the majority of incarcerated women were in reformatories. In the South, the few reformatories that existed were exclusively white. However, these differences are not, in essence, geographical; they are racial. The women in the custodial institutions



were black whether in the North or the South, and had to undergo the most degrading conditions, while it was mainly white women who were sent to the reformatories, institutions which had the ostensible philosophy of benevolence and sisterly and therapeutic ideals.<sup>20</sup>

### The Evolution of Separate Custodial Prisons for Women

In the South after 1870, prison camps emerged as penal servitude and were essentially substituted for slavery. The overwhelming majority of women in the prison camps were black; the few white women who were there had been imprisoned for much more serious offenses, yet experienced better conditions of confinement. For instance, at Bowden Farm in Texas, the majority of women were black, were there for property offenses and worked in the field. The few white women who were there had been convicted of homicide and served as domestics. As the techniques of slavery were applied to the penal system, some states forced women to work on the state-owned penal plantations but also leased women to local farms, mines, and railroads. Treatment on the infamous chain gangs was brutal and degrading. For example, women were whipped on the buttocks in the presence of men. They were also forced to defecate right where they worked, in front of men.<sup>21</sup>

An 1880 census indicated that in Alabama, Louisiana, Mississippi, North Carolina, Tennessee, and Texas, thirty-seven percent of the 220 black women were leased out whereas only one of the forty white women was leased. Testimony in a 1870 Georgia investigation revealed that in one instance "There were no white women there. One started there, and I heard Mr. Alexander (the lessee) say he turned her loose. He was talking to the guard. I was working in the cut. He said his wife was a white woman, and he could not stand it to see a white woman worked in such places."<sup>22</sup> Eventually, as central penitentiaries were built or rebuilt, many women were shipped there from prison farms because they were considered "dead hands" as compared with the men. At first the most common form of custodial confinement was attachment to male prisons; eventually independent women's prisons evolved out of these male institutions. These separate women's prisons were established largely for administrative convenience, not reform. Female matrons worked there, but they took their orders from men.

Like the prison camps, custodial women's prisons were overwhelmingly black, regardless of their regionality. Although they have always been imprisoned in smaller numbers than Afroamerican or Euroamerican men, black women often constituted larger percentages within female prisons than black men did within men's prison. For instance, between 1797 and 1801, forty-four percent of the women sent to New York state prisons were Afroamericans as compared to twenty percent of the men. In the Tennessee state prison in 1868, one hundred percent of the women were black, whereas sixty percent of the men were of African descent.<sup>23</sup> The women incarcerated in the custodial prisons tended to be twenty-one years or older. Forty percent were unmarried, and many of them had worked in the past.<sup>24</sup>

Women in custodial prisons were frequently convicted of felony charges; most commonly for "crimes" against property, often petty theft. Only about a third of female felons were serving time for violent crimes. Both the rates for property crimes and violent crimes were much higher than for the women at the reformatories. On the other hand, there were relatively fewer women incarcerated for public order offenses (fornication, adultery, drunkenness, etc.) which were the most common in the reformatories. This was especially true in the South where these so-called morality offenses by blacks were generally ignored, and where authorities were reluctant to imprison white women at all. Data from the Auburn, New York prison on homicide statistics between 1909 and 1933 reveal the special nature of the women's "violent" crime. Most of the victims of murder by women were adult men. Of 149 victims, two-thirds were male; twenty-nine percent were husbands, two percent were lovers, and the rest were listed as "man" or "boy" (a similar distribution exists today). Another form of violent crime resulting in the imprisonment of women was performing "illegal" abortions.<sup>25</sup>

Tennessee Supreme Court records offer additional anecdotal information about the nature of women's violent crimes. Eighteen year old Sally Griffin killed her fifty year old husband after a fight in which, according to Sally, he knocked her through a window, hit her with a hammer, and threatened to "knock her brains out." A doctor testified that in previous months her husband had seriously injured her ovaries when he knocked her out of bed because she refused to have sex during her period. Sally's

against cruelty to inmates. The administration had refused to segregate Black and white women up until 1916, and reports of the time attribute these occurrences to the "unfortunate attachments formed by white women for the Negroes." 105 A 1931 study indicated that "colored girls" revolted against discrimination at the New Jersey State Reformatory.

Around the time of the historic prison rebellion at Attica Prison in New York State, rebellions also took place at women's prisons. In 1971, there was a work stoppage at Alderson simultaneous with the rebellion at Attica. 106 In June of 1975, the women at the North Carolina Correctional Center for Women staged a five day demonstration "against oppressive working atmospheres, inaccessible and inadequate medical facilities and treatment, and racial discrimination, and many other conditions at the prison." 107 Unprotected, unarmed women were attacked by male guards armed with riot gear. The women sustained physical injuries and miscarriages as well as punitive punishment in lockup and in segregation, and illegal transfers to the Mattawan State Hospital for the Criminally Insane. In February of 1977, male guards were for the first time officially assigned to duty in the housing units where they freely watched women showering, changing their clothes and performing all other private functions. On August 2, 1977, a riot squad of predominantly male guards armed with tear gas, high pressure water hoses and billy clubs attacked one housing unit for five hours. Many of the women defended themselves and were brutally beaten; twenty-eight women were illegally transferred to Mattawan where they faced a behavior modification program. 108 This short exposition of the rebellions in women's prisons is clearly inadequate. Feminist criminologists and others should look towards the need for a detailed history of this thread of the women's experience in America.

### Conclusion

We began this research in an attempt to understand the way that patriarchy and white supremacy interact in the imprisonment of women. We looked at the history of the imprisonment of women in the United States and found that it has always been different for white women and African American women. This was most dramatically true in the social control of white women, geared toward turning them into "ladies." This was a more physically benign prison track than the custodial prisons that contained black women or men. But it was insidiously patriarchal, both in this character and in the fact that similar institutions did not exist to control men's behavior in those areas. We also saw that historically the more "black" the penal institution, the worse the conditions. It is difficult to understand how this plays out within the walls of prisons today since there are more sophisticated forms of tracking. That is, within a given prison there are levels of privileges that offer a better or worse quality of life. Research is necessary to determine how this operates in terms of white and Afroamerican women prisoners. However, we can hypothesize that as women's prisons become increasingly black institutions, conditions will, as in the past, come more and more to resemble the punitive conditions of men's prisons. This is an especially timely consideration now that black women are incarcerated eight times more frequently than white women.

Although the percentage of women in prison is still very low compared to men, the rates are rapidly rising. And when we examine the conditions of incarceration, it does appear as if the imprisonment of women is coming more and more to resemble that of men in the sense that there is no separate, more benign, track for women. Now more than ever, women are being subjected to more maximum security, control units, shock incarceration, in short, everything negative that men receive. We thus may be looking at the beginning of a new era in the imprisonment of women. One observation that is consistent with these findings is that the purpose of prisons for women may not be to function primarily as institutions of patriarchal control. That is, their mission as instruments of social control of people of color generally may be the overriding purpose. Turning women into "ladies" or "feminizing" women is not the essence of the mission of prisons. Warehousing and punishment are now enough, for women as well as men.

This is not to suggest that the imprisonment of women is not replete with sexist ideology and practices. It is a thoroughly patriarchal society that sends women to prison, that is, the rules and regulations, the definition of crimes are defined by the patriarchy. This would include situations in which it is "okay" for a husband to beat up his wife, but that very same wife cannot defend herself against his violence, in which women are forced to act as accessories to crimes committed by men, in



forced separation from the infant usually comes within twenty-four to seventy-two hours after birth. 93

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Many commentators argue that, at their best, women's prisons are shot through with a viciously destructive paternalistic mentality. According to Rafter, "women in prison are perpetually infantilized by routines and paternalistic attitudes." 94 Assata Shakur describes it as a "pseudo-motherly attitude: a deception which all too often successfully reverts women to children." 95 Guards call prisoners by their first names and admonish them to "grow up," "be good girls" and "behave." They threaten the women with a "good spanking." Kathryn Burkhardt refers to this as a "mass infancy treatment." 96 Powerlessness, helplessness, and dependency are systematically heightened in prison while what would be most therapeutic for women is the opposite, for women to feel their own power and to take control of their lives. Friendship among women is discouraged, and the homophobia of the prison system is exemplified by rules in many prisons which prohibit any type of physical contact between women prisoners. 97 A woman can be punished for hugging a friend who has just learned that her mother died. 98 There is a general prohibition against physical affection, but it is most seriously enforced against known lesbians. One lesbian received a disciplinary ticket for lending a sweater and was told she didn't know the difference between compassion and passion. Lesbians may be confronted with extra surveillance or may be "treated like a man." Some lesbians receive incident reports simply because they are gay. 99

Many prison administrators generally agree that community-based alternatives would be better and cheaper than imprisonment. However, there is very little public pressure in that direction. While Jones of the Division of Massachusetts Parole Board says her agency receives no outside pressure to develop programs for women. 100 However, around the country small groups of dedicated people are working to introduce progressive reforms into the prisons. In Michigan, there is a program that buses family and friends to visit at prisons. In New York, at Bedford Hills, there is a program geared towards enhancing and encouraging visits with children. Chicago Legal Aid for Imprisoned Mothers (CLAIM), Atlanta's Aid to Imprisoned Mothers and Madison, Wisconsin's Women's Jail Project are just some of the groups that have tirelessly and persistently fought for reforms as well as provided critical services for women and children.

The best programs are the ones that can concretely improve the situation of the women inside. However, many programs that begin with reform-minded intentions become institutionalized in such a way that they are disadvantageous to the population they are supposedly helping. Psychological counselors may have good intentions, but they work for the departments of corrections and often offer no confidentiality. 101 And of course even the best of them tend to focus on individual pathology rather than exposing systematic oppression. Less restrictive alternatives like halfway houses often get turned around so that they become halfway in, not halfway out. That is, what we are experiencing is the widening of the net of state control. The results are that women who would not be incarcerated at all wind up under the supervision of the State rather than decreasing the numbers of women who are imprisoned. 102

### Prison Resistance

One topic that has not been adequately researched is the rebellion and resistance of women in prison. It is only with great difficulty that any information was found. We do not believe that is because resistance does not occur, but rather because those in charge of documenting history have a stake in burying this herstory. Such a herstory would challenge the patriarchal ideology that insists that women are, by nature, passive and docile. What we do know is that as far back as 1943 there was a riot in Sing Sing Prison in New York which was the first woman's prison. It took place in response to overcrowding and inadequate facilities. 103

During the Civil War, Georgia's prison was burned down, allegedly torched by women trying to escape. It was again burned down in 1900. 104 In 1888 similar activity took place at Framingham, Massachusetts, although reports refer to it as merely "fun." Women rebelled at New York's Hudson House of Refuge in response to excessive punishment. They forced the closing of "the dungeon," basement cells and a diet of bread and water. Within a year, similar cells were reinstated. The story of Bedford Hills is a particularly interesting one. From 1915 to 1920 there were a series of rebellions

conviction stood because an eyewitness said she hadn't been threatened with a hammer. A second similar case was also turned down for retrial. 26 Southern states were especially reluctant to send white women to prison, so they were deliberately screened out by the judicial process. When white women were sent to prison, it was for homicide or sometimes arson; almost never did larceny result in incarceration. In the Tennessee prison, many of the African American property offenders had committed less serious offenses than the whites, although they were incarcerated in far greater numbers. 27 Of all the women tried, Frances Kellor, a renowned prison reformer, remarked that in this screening process the black female offender "is first a Negro and then a woman. In the whites' estimation." 28 A 1922 North Carolina report describes one institution as being "so horrible that the judge refuses to send white women to this jail, but Negro women are sometimes sent." 29 Hundreds of such instances combined to create institutions overwhelmingly made up of Afroamerican women.

The conditions of these custodial prisons were horrendous, as they were in prisons for men. The Southern prisons were by far the worst. They were generally unsanitary, lacking adequate toilet and bathing facilities. Medical attention was rarely available. Women were either left totally idle or forced into hard labor. Women with mental problems were locked in solitary confinement and ignored. But women suffered an additional oppression as well:

The condition of the women prisoners is most deplorable. They are usually placed in the oldest part of the prison structure. They are almost always in the direct charge of men guards. They are treated and disciplined as men are. In some of the prisons children are housed either from the male prisoners or just 00thers. One county warden told me in confidence, "O that I near kill that woman yesterday!" One of the most reliable women officials in the South told me that in her state at the State Farm for women the dining room contains a sweat box for women who are punished by being locked up in a narrow place with insufficient room to sit down, and near enough to be the table so as to be able to smell the food. Over the table there is an iron bar to which women are handcuffed when they are strapped. 30

Generally speaking, the higher the proportion of women of color in the prison population, the worse the conditions. Therefore, it is not surprising that the physical conditions of incarceration for women in the custodial prisons were abysmal compared to the reformatories (as the following section indicates). Even in mainly black penal institutions, Afroamerican women were treated better than Afroamerican women.

### Early 20th Century Women's Reformatories

Reformatories for women developed alongside custodial prisons. These were parallel, but distinct, developments. By the turn of the century, industrialization was in full swing, bringing fundamental changes in social relations: shifts from a rural society to an urban one, from a family to market economy, increased geographic mobility, increased disruption of lives; more life outside the church, family, and community. More production, even for women, was outside the home. By 1910, a record high of at least twenty-seven percent of all women in New York state were gainfully employed. 31 Thousands of women worked in the New York sweatshops under abominable conditions. There was a huge influx of immigration from Southern and Eastern Europe; many of these were Jewish women who had come straight from Czarist Russia and brought with them a tradition of resistance and struggle. The division between social classes was clearly widening and erupted in dynamic labor struggles. For example, in 1909, 20,000 shirt-waist makers, four-fifths of whom were women, went on strike in New York. 32 Racism and national chauvinism were rampant in the U.S. at the turn of the century in response to the waves of immigrants from Europe and black people from the South. The Women's Prison Association of New York, which was active in the social purity movement, declared in 1906 that:

If promiscuous immigration is to continue, it devolves upon the enlightened, industrious, and moral citizens, from selfish as well as from philanthropic motives, to instruct the morally defective to conform to our ways and exact from them our own high standard of morality and legitimate industry.... Do you want immoral women to walk our streets,



pollute society, enoanger your households, menace the morals of your sons and daughters? Do you think the women here described fit to become mothers of American citizens? Shall foreign powers generate criminals and dump them on our shores?33

6

Also at the turn of the century various currents of social concern converged to create a new reform effort, the Progressive movement, that swept the country, particularly the Northeast and Midwest, for several decades.<sup>34</sup> It was in this context that reformatories for women proliferated. Reformatories were actually begun by an earlier generation of women reformers who appeared between 1840 and 1900, but their proliferation took place during this Progressive Era as an alternative to the penitentiary's harsh conditions of enforced silence and hard labor.<sup>35</sup> The reformatories came into being as a result of the work of prison reformers who were ostensibly motivated to improve penal treatment for women. They believed that the mixed prisons afforded women no privacy and left them vulnerable to debilitating humiliations.

Indeed, the reformatories were more humane and conditions were better than at the women's penitentiaries (custodial institutions). They did eliminate much male abuse and the fear of attack. They also resulted in more freedom of movement and opened up a variety of opportunities for "men's" work in the operation of the prison. Children of prisoners up to two years old could stay in most institutions. At least some of the reformatories were staffed and administered by women. They usually had cottages, flower gardens, and no fences. They offered discussions on the law, academics and training, and women were often paroled more readily than in custodial institutions.<sup>36</sup> However, a closer look at who the women prisoners were, the nature of their offenses, and the program to which they were subjected reveals the seamy side of these ostensibly noble institutions.

As with all prisons, the women in the reformatories were of the working class. Many of them worked outside the home. At New York State's Albion Reformatory, for instance, eighty percent had, in the past, worked for wages. Reformatories were also overwhelmingly institutions for white women. Fewer women of color were incarcerated in them. Government statistics indicate that in 1921, for instance, twelve percent of the women in reformatories were black while eighty-eight percent were white.<sup>37</sup> Record keeping at the Albion Reformatory in New York demonstrates how unusual it was for black women to be incarcerated there. The registers left spaces for entries of large number of variables, such as family history of insanity and epilepsy. Nowhere was there a space for recording race. When African Americans were admitted, the clerk penciled "colored" at the top of the page. Afroamerican women were much less likely to be arrested for such public order offenses. Rafter suggests that black women were not expected to act like "ladies" in the first place and therefore were reportedly not deemed worthy of such rehabilitation.<sup>38</sup>

It is important to emphasize that reformatories existed for women only. No such parallel development took place within men's prisons. There were no institutions devoted to "correcting" men for so-called moral offenses. In fact, such activities were not considered crimes when men engaged in them and therefore men were not as a result imprisoned.<sup>39</sup> A glance at these "crimes" for women only suggests the extent to which society was bent on repressing women's sexuality. Despite the hue and cry about prostitution, only 8.5 percent of the women at the reformatories were actually convicted of prostitution. More than half, however, were imprisoned because of "sexual misconduct." Women were incarcerated in reformatories primarily for various public order offenses or so-called "moral" offenses: lewd and lascivious carriage, stubbornness, idle and disorderly conduct, drunkenness, vagrancy, fornication, serial premarital pregnancies, keeping bad company, adultery, venereal disease and vagrancy. A woman might face charges simply because a relative disapproved of her behavior and reported her, or because she had been sexually abused and was being punished for it. Most were rebels of some sort.<sup>40</sup>

Jennie B., for instance, was sent to Albion reformatory for five years for having "had unlawful sexual intercourse with young men and remaining" at hotels with young men all night, particularly on July 4, 1893.<sup>41</sup> Lillian R. quit school and ran off for one week with a soldier, contracting a venereal disease. She was hospitalized, from where she was men sentenced to the reformatory. Other women were convicted of offenses related to exploitation and/or abuse by men. Ann B. became pregnant twice from older men, one of whom was her father who was sentenced to prison for rape. She was convicted of "running around" when she was seven months pregnant.<sup>42</sup> One woman who claimed to have

"economies of scale" in meeting women's needs, particularly their special needs. Therefore, women suffer accordingly," they say. There are a wide range of institutions that incarcerate women and conditions vary. Some women's prisons look like "small college campuses," remnants of the historical legacy of the reformatory movement. Bedford Hills state prison in New York is one such institution. Alderson Federal Prison in West Virginia is another. Appearances, however, are deceptive. For instance, Dobash describes the "underlying atmosphere [of such a prison] as one of intense hostility, frustration and anger."<sup>76</sup>

Institution for Women at Frontenac houses twenty-five hundred women in a facility built for 1,011.<sup>77</sup> Overcrowding sometimes means that women who are being held for trivial offenses are incarcerated in maximum security institutions for lack of other facilities. Women's prisons are often particularly ill-equipped and poorly financed. They have fewer medical, educational and vocational facilities than men's prisons.<sup>78</sup> Medical treatment is often unavailable, inappropriate, and inconsistent.<sup>79</sup> Job training is also largely unavailable when opportunities exist, they are usually traditional female occupations. Courses concentrate on homemaking and low-paid skills like beautician and laundress.<sup>80</sup> Other barriers exist as well. In an Alabama women's prison, there is a cosmetology program but those convicted of felonies are prohibited by state law from obtaining such licenses.<sup>81</sup>

In most prisons, guards have total authority, and the women can never take care of their basic intimate needs in a secure atmosphere free from intrusion. In the ostensible name of security, male guards can take down or look over a curtain, walk into a bathroom, or observe a woman showering or changing her clothes.<sup>82</sup> In Michigan, for instance male guards are employed at all women's prisons. At Huron Valley, about half the guards are men. At Crane prison, approximately eighty percent of the staff is male and there are open dormitories divided into cubicles. In one section the cubicle walls are only four feet high and there are no doors or curtains on any cubicles anywhere at Crane. The officers' desks are right next to the bathroom and the bathroom doors must be left open at all times. Male guards are also allowed to do body shakedowns where they run their hands all over the women's bodies.<sup>83</sup>

Incarceration has severe and particular ramifications for women. Eighty percent of women entering state prisons are mothers. By contrast sixty percent of men in state prisons are fathers and less than half of them have custodial responsibility. These mothers have to undergo the intense pain of forced separation from their children. They are often the sole caretakers of their children and were the primary source of financial and emotional support.<sup>84</sup> Their children are twice as likely to end up in foster care than the children of male prisoners.<sup>85</sup> Whereas when a man goes to prison, his wife or lover most often assumes or continues to assume responsibility for the children, the reverse is not true. Women often have no one else to turn to and are in danger of permanently losing custody of their children. For all imprisoned mothers the separation from their children is one of the greatest punishments of incarceration, and engenders despondency, feelings of guilt and anxiety about their children's welfare.<sup>86</sup>

Visiting with children often is extremely difficult or impossible. At county jails where women are awaiting trial, prisoners are often denied contact visits and are required to visit behind glass partitions or through telephones.<sup>87</sup> Prisons are usually built far away from the urban centers where most of the prisoners and their families and friends live. Where children are able to visit, they have to undergo frightening experiences like pat downs under awkward and generally anti-human conditions. When women get out of prison, many states are supposed to provide reunification services, but in fact most do not.<sup>88</sup> Although even departments of corrections admit that family contact is the one factor which most greatly enhances parole success, the prison system actively works to obstruct such contact.<sup>89</sup>

Reproductive rights are non-existent for the ten percent of the women in prison who are pregnant. Massachusetts is one of the few states to provide Medicaid funds for poor women to get abortions, but these funds are unavailable for imprisoned women.<sup>90</sup> All the essentials for a healthy pregnancy are missing in prison: nutritious food, fresh air, exercise, sanitary conditions, extra vitamins and pre-natal care. Women in prison are denied nutritional supplements such as those afforded by the WIC program.<sup>91</sup> Women frequently undergo bumpy bus rides, and are shackled and watched throughout their delivery.<sup>92</sup> It is no wonder that a 1985 California Department of Health study indicated that a third of all prison pregnancies end in late term miscarriage, twice the outside rate. In fact, only twenty percent have live births. For those women who are lucky enough to have healthy deliveries,



god mothers. There are no big time dope dealers, no kidnappers, no Watergate women.

There are virtually no women here charged with white collar crimes like embezzling and fraud. Most of the women have drug related cases. Many are charged as accessories to crimes committed by men. The major crimes that women here are charged with are prostitution, pickpocketing, shop lifting, robbery and drugs. Women who have prostitution cases or who are doing 'fine' time make up a substantial part of the short term population. The women see stealing or hustling as necessary for the survival of themselves or their children because jobs are scarce and welfare is impossible to live on.<sup>66</sup>

As Shakur paints the picture, women's offenses are rarely vicious, dangerous, or profitable. Their crimes arise from difficult circumstances within society at large. Most women are in prison for relatively minor offenses: property crimes, sometimes referred to as poverty crimes, are the most frequent. According to 1983 Bureau of Justice statistics, forty-three percent of women were in for larceny, fraud, or forgery as compared with fifteen percent of men. Additionally, women are less likely to be imprisoned for violent offenses; thirty-five percent of the men were in for violent crimes as compared with twenty-four percent of women. In general, women are less likely to be involved in homicide than are men. For the years 1980-1984, women were found guilty of only fourteen percent of all homicides.<sup>67</sup>

Another important factor is that when women do engage in violent crime, it is often a fundamentally different sort of act. Women are much more likely to kill a male partner than to kill anyone else. Men are much more likely to perpetrate homicides against individuals outside the partner relationship, although the rate of male-perpetrated homicide against intimate partners is still nearly double the rate for female perpetrated homicides of male partners.<sup>68</sup> Women are much more likely to kill in self-defense in response to their male partners' physical aggression and threats, and the recidivism rates for such crimes are extraordinarily low. That is, it is unlikely for a woman to repeat a homicide. This "female use of lethal counter-force" has been documented in numerous studies.<sup>69</sup> Other authors point out that besides the provocation that immediately triggers the female homicide and is recognized by the court of law, female homicide is often in response to preceding years of male abuse.<sup>70</sup>

According to Shelley Bannister, over one-third of all women have been or will be abused as children by males within and outside of their families. Annually, over two million women are battered by male partners.<sup>71</sup> Although no one knows exactly how many women are in prison for killing an abusing husband or boyfriend, Charles Patrick Ewing, a psychologist and attorney, believes that as many as a thousand women a year are convicted for such acts. He states that "This small but increasingly visible minority of battered women are in many cases doubly victimized; once by the men who have battered them and again by a system of criminal justice which holds them to an unrealistic standard of accountability." Moreover, Angela Brown, a Denver social psychologist who conducted research in this area, concludes that "women often face harsher penalties than men who kill their partners."<sup>72</sup>

In the early 1970s, when there was an activist women's movement, several strong campaigns were waged regarding individual cases in which women physically defended themselves and their children against attack. Yvonne Wanrow, a Colville Indian, was convicted by an all white jury for the self-defense killing of a man who molested her nine year-old son as well as several other children. Inez Garcia struck back against the men who raped her and threatened her life, while the judge insisted that the allegations of rape were not even an issue in the case.<sup>73</sup> Dessie Woods was found guilty of murder and robbery of a white insurance agent who tried to rape her and a friend.<sup>74</sup> The influence of feminist thinking and agitation can be seen today. Bannister argues in a current criminal justice journal that "women who kill or attempt to kill their abusers are incarcerated for several reasons: 1) to deter other women from believing that they can similarly resist; 2) to reinforce in women the belief that they have no right to their own bodies' integrity and no right to defood against or resist male attack; and 3) to protect and assert men's power over women."<sup>75</sup> Even the Governor of Ohio felt compelled to pardon thirty-five women who had been imprisoned as a result of violence towards husbands and other men who had abused them.

What are the conditions women face when they are imprisoned? Women are confined in a system designed, built and run by men for men, according to a fall 1990 issue of Time magazine. Prison authorities rationalize that because the numbers of women have been so relatively low, there are no,

miscarried and disposed of the fetus had been convicted of murdering her illegitimate child. There was also the increasing practice of abortion which accounted for at least some of the rise in "crime against persons."<sup>43</sup>

The program of these institutions, as well as the offenses, was based on patriarchal assumptions. Reformatory training centered on fostering ladylike behavior and perfecting house-wifely skills. In this way it encouraged dependency and women's subjugation. Additionally, one aspect of the retraining of these women was to isolate them, to strip them of environmental influences in order to instill them with new values. To this end family ties were obstructed, which is somewhat ironic since the family is at the center of the traditional role of women. Letters might come every two months and were censored. Visits were allowed four times a year for those who were on the approved list. The reformatories were geographically remote, making it very difficult for loved ones to visit. Another thorn in the rosy picture of the reformatory was the fact that sentencing was often open-ended. This was an outgrowth of the rehabilitative ideology. The incarceration was out of fixed length, because the notion was that a woman would stay for as long as it took to accomplish the task of reforming her.

Parole was also used as a patriarchal weapon. Ever since the Civil War, there was a scarcity of working class women for domestic service. At the same time, the "need for good help" was increasing because more people could afford to hire help.<sup>44</sup> It was not an accident that women were frequently paroled into domestic jobs, the only ones for which they had been trained. In this way, vocational regulation went hand-in-hand with social control, leading always backwards to home and hearth, and away from self-sufficiency and independence. Additionally, independent behavior was punished by revoking parole for "sauciness," obscenity, or failure to work hard enough. One woman was cited for a parole violation for running away from a domestic position to join a theater troupe; another for going on car rides with men; still others for becoming pregnant, going around with a disreputable married man, or associating with the father of her child. And finally, some very unrepentant women were ultimately transferred indefinitely to asylums for the "feeble-minded."<sup>45</sup>

Prison reform movements have been common; a reform movement also existed for men. However, all these institutions were inexorably returned to the role of institutions of social control.<sup>46</sup>

Understanding this early history can prepare us to understand recent developments in women's imprisonment and indeed imprisonment in general. Although the reformatories rejected the more traditional authoritarian penal regimes, they were nonetheless concerned with social patriarchy. They were part of a broad attack on young working class women who were attempting to lead somewhat more autonomous lives. Women's sexual independence was being curbed in the context of "social purity" campaigns.<sup>46</sup> As more and more white working class women left home for the labor force, they took up smoking, frequenting dance halls and having sexual relationships. Prostitution had long been a source of income for poor women, but despite the fact that prostitution had actually begun to wane about 1900, there was a major morality crusade at the turn of the century which attacked prostitution as well as all kinds of small deviations from the standard of "proper" female propriety.<sup>47</sup>

Even when the prisons were run by women they were, of course, still doing the work of a male supremacist prison system and society. We have seen how white working class women were punished for "immoral behavior" when men were not. We have seen how they were indoctrinated with a program of "ladylike" behavior. According to feminist criminologists such as Rafter and Freedman, reformatories essentially punished those who did not conform to bourgeois definitions of femininity and prescribed gender roles. The prisoners were to embrace the social values, although of course never to occupy the social station, of a "lady." It is relevant to note that the social stigma of imprisonment was even greater for women than men because women were supposedly denying their own "pure nature." This stigma plus the nature of the conditions of incarceration served as a warning to all such women to stay within the proper female sphere.

These observations shed some light on the role of "treatment" within penal practice. Reformatories were an early attempt at "treatment," that is, the uplifting and improvement of the women, as opposed to mere punishment or retribution. However, these reforms were also an example of the subversion of "treatment" to social control. They demonstrate that the underlying function of control continually reasserts itself when attempts to "improve" people take place within a coercive framework.<sup>48</sup> The



reformatories are an illustration of how sincere efforts at reform may only serve to broaden the net and extend the state's power of social control. In fact, hundreds and hundreds of women were incarcerated for public order offenses who previously would not have been vulnerable to the punishment of confinement in a state institution were it not for the existence of reformatories.

By 1935 the custodial prisons for women and the reformatories had basically merged. In the 1930s, the U.S. experienced the repression of radicalism, the decline of the progressive and feminist movements, and the Great Depression. Along with these changes came the demise of the reformatories. The prison reform movement had achieved one of its earliest central aims, separate prisons for women. The reformatory buildings still stood and were filled with prisoners. However, these institutions were reformatories in name only. Some were administered by women but they were women who did not even have the progressive pretenses of their predecessors. The conditions of incarceration had deteriorated miserably, suffering from cutbacks and lack of funding. Meanwhile, there had been a slow but steady transformation of the inmate population. Increasingly, the white women convicted of misdemeanors were given probation, paroled or sent back to local jails. As Euroamerican women left the reformatories, the buildings themselves were transformed into custodial prisons, institutions that repeated the terrible conditions of the past. As custodial prison buildings were physically closed down for various reasons, felons were transferred to the buildings that had housed the reformatories. Most of the women were not only poor but also were black. Increasingly, Afroamerican women were incarcerated there with the growth of the black migration north after World War I. These custodial institutions now included some added negative dimensions as the legacy of the reformatories, such as the strict reinforcement of gender roles and the infantilization of women. In the end the reformatories were certainly not a triumph for the women's liberation. Rather they can be viewed as one of many instances in which U.S. institutions are able to absorb an apparent reform and use it for continuing efforts at social control.

### Women and Prison Today

Women are an extremely small proportion of the overall U.S. prison population, approximately five percent.<sup>49</sup> At the end of 1988, there were 32,691 women in state and federal prisons.<sup>50</sup> Although imprisonment rates for women are low, they are rising rapidly, after having remained more or less constant for the previous fifty years. According to government statistics, the number of women prisoners has mushroomed from 13,420 in just eight years, a 244 percent increase, as compared to an increase of 188 percent for men during the same period.<sup>51</sup> The rate for women has grown faster than that for men each year since 1981.<sup>52</sup> During 1987 alone, there was a 9.3 percent increase in the rate of imprisonment for women while the figure for men rose 6.6 percent.<sup>53</sup> In New York City jails, the rate for women rose a staggering thirty-three percent in the last year alone, more than twice the rate of men.<sup>54</sup> There is a good deal of speculation about the causes of this rate increase. Although the disproportionate rise in the imprisonment rate of women has not yet been satisfactorily explored, there are some existing explanations and hypotheses. Some say there has been a jump in violent crime perpetrated by women as a result of the women's movement and the associated empowerment of women. In other words, increased gender equality brings more violence by women. However, there is no evidence to support either the allegation that female violent crimes have increased, nor that equality leads to more violent crime by women.

In fact, by most if not all accounts, violent crimes by women have remained constant or, in some cases, actually declined. For instance, a comparison of female crime rates between 1977 and 1987 indicates that violent personal crimes actually declined while alcohol and drug related crimes tripled.<sup>55</sup> A study by Weisheit specifically compared "gender equality" in various states with the female homicide rates in these states.<sup>56</sup> The results indicated that those states with the highest degree of gender equality also have the lowest rate of homicide by females. If feminism is not the explanation for those spiraling imprisonment rates, what is? The rising rates can be explained, to a large extent, by many of the same factors that influence the rates of males imprisoned for substance abuse offenses. In one southern prison, seventy-seven percent of the women are there on drug or alcohol-related offenses. In another state the number of new admissions for such offenses has jumped from five percent to fifty-six percent in the last ten years.<sup>57</sup> Not only are drug and alcohol-related offenses more frequent, but the nature of the charges tends to be more severe. That is, we are now seeing felony

drug charges as compared to past misdemeanors for substance abuse.<sup>58</sup>

Why the rates are rising more quickly for women remains an unanswered question. It is possible that deteriorating economic conditions are now pushing women to the brink faster than men, as the primary caretakers of children, women may be driven by poverty to engage in more "crimes" of survival. Changes in sentencing laws and practices, such as mandatory minimum sentencing, are commonly referred to as a main factor in rising imprisonment rates for women.<sup>59</sup> Many commentators have indicated that judges are less hesitant than ever to send women to prison. Offenses which used to get probation are now drawing prison time and sentences are harsher. Some observers state that if there was ever a shred of "chivalry" in the white male criminal justice system, that is no longer true today. For instance, an administrator of a Texas women's prison was quoted by the New York Times as stating that "Chivalry is dead! It's equal rights, dog eat dog, no woman at home with an apron on anymore."<sup>60</sup> Whatever the reason, it seems certain that women are being treated more punitively than in the past by the criminal justice system.

Who are the women in prison? The profile that emerges in study after study is that of a young, single mother with few marketable job skills, a high school drop-out who lives below the poverty level. Seventy-five percent are between the ages of twenty-five and thirty-four, are mothers of dependent children, and were unemployed at the time of arrest. Many left home early and have experienced sexual and physical abuse. Ninety percent have a drug or alcohol-related history.<sup>61</sup> Another extremely significant factor is the race of incarcerated women. In 1982:

The population of women's prisons was 50 percent black, although blacks comprised only 11 percent of the total population in this country; 9 percent Hispanic [sic, latino], when [they] were only 5 percent of the total population; and 3 percent Native American, although this group comprises only 0.4 percent of the total population.<sup>62</sup>

In fact, African-American women are eight times more likely than white women to go to prison. Although a greater proportion of white women are arrested, a smaller proportion are incarcerated. In 1985 Michigan study reported that 10.5 percent of all arrests were those of white women, while non-white women accounted for 6.1 percent of all arrests. On the other hand, Euroamerican women were 1.8 percent of those incarcerated while women of color were 4.5 percent.<sup>63</sup> It is not clear, of course, what other factors are involved, such as the distribution of arrestable offenses or the role of prosecutorial discretion. What seems certain is that there is a different set of dynamics at work for white and non-white women. And as Karl Rasmussen, Executive Director of the Women's Prison Association of New York City says, "150 years ago it was poor whites, their names often Irish and alcohol abuse. Today, it's poor minorities and drug abuse."<sup>64</sup>

Numerous studies have indicated that women of color, black women in particular, are, when compared with white women, over-arrested, over-indicted, under-defended and over-sentenced. African-American women are seven times more likely to be arrested for prostitution than women of other ethnic groups. A California study demonstrated that white women drug violators represent the primary group arrested for this offense (65.1 percent) but are far less likely to be imprisoned (39.4 percent) than any minority female group. Over a sixteen year period, black women incarcerated in Missouri received significantly longer sentences for crimes against property, and served longer periods in prison. White women were generally given much longer sentences for crimes against persons, in fact almost double those of black women. However, actual time served for Afroamerican women was longer. For both murder and drug offenses, Euroamerican women ended up serving one-third less time for the same offenses. The study concluded that "differential treatment is definitely accorded to female offenders by race."<sup>65</sup>

Assata Shakur, the once-imprisoned leader of the Black Liberation Army who was liberated from a New Jersey prison in 1979 and granted political asylum in Cuba, has offered this description:

There are no criminals here at Riker's Island Correctional Institution for Women (New York), only victims. Most of the women (over 95 percent) are black and Puerto Rican. Many were abused children. Most have been abused by men and all have been abused by "the system." There are no big time gangsters here, no premeditated mass murderers, no